

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT

2013 JUL 15 PM 4:51

LEEANN FLYNN HALL
CLERK OF COURT

In re Orders Issued by This Court
Interpreting Section 215 of the Patriot Act]

Docket No. Misc. 13-02

In re Motion for Declaratory Judgment
of A First Amendment Right
to Publish Aggregate Information
About FISA Orders]

Docket No. Misc. 13-03

In re Motion to Disclose
Aggregate Data Regarding FISA Orders]

Docket No. Misc. 13-04

MOTION OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, ABC,
INC., THE ASSOCIATED PRESS, BLOOMBERG L.P., DOW JONES & COMPANY, INC.,
GANNETT CO., INC., LOS ANGELES TIMES, THE MCCLATCHY COMPANY,
NATIONAL PUBLIC RADIO, INC., THE NEW YORK TIMES COMPANY, THE NEW
YORKER, THE NEWSWEEK/DAILY BEAST COMPANY LLC, REUTERS AMERICA LLC,
TRIBUNE COMPANY, AND THE WASHINGTON POST FOR LEAVE TO FILE BRIEF AS
AMICI CURIAE IN SUPPORT OF THE MOTION FOR THE RELEASE OF COURT
RECORDS AND THE MOTIONS FOR DECLARATORY JUDGMENT

Bruce D. Brown
Gregg P. Leslie
Robert J. Tricchinelli
The Reporters Committee
for Freedom of the Press
1101 Wilson Blvd., Suite 1100
Arlington, VA 22209
Counsel for *Amici Curiae*

July 15, 2013

The Reporters Committee for Freedom of the Press, ABC, Inc., The Associated Press, Bloomberg L.P., Dow Jones & Company, Inc., Gannett Co., Inc., Los Angeles Times, The McClatchy Company, National Public Radio, Inc., The New York Times Company, The New Yorker, The Newsweek/Daily Beast Company LLC, Reuters America LLC, Tribune Company, and The Washington Post move for leave to file the accompanying brief *amici curiae* in support of (1) the motion of the American Civil Liberties Union, et al., for the release of court records; (2) the motion for declaratory judgment of Google Inc.'s first amendment right to publish aggregate information about FISA orders; and (3) Microsoft Corporation's motion for declaratory judgment or other appropriate relief authorizing disclosure of aggregate data regarding any FISA orders it has received.

This coalition of news media organizations writes separately in support of the communications carriers to emphasize a related point that complements the arguments of the carriers and their civil liberties *amici*. In addition to implicating their rights as speakers, the Google and Microsoft cases raise important concerns relating to the interests of the public in receiving information, an interest that the Supreme Court has long recognized as a separate component of the speech and press freedoms under the First Amendment. Where the communications providers are willing speakers, the public has a heightened interest in hearing their speech. That interest is heightened even more when the government is itself choosing to provide information to the public regarding issues central to the Google and Microsoft cases.

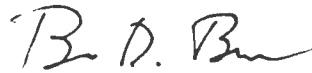
The public also has a formidable First Amendment interest in hearing directly from this Court about its core judicial activities in interpreting the statutes that give rise to its jurisdiction. The way the public learns about any tribunal's activities is chiefly through its opinions, and thus the news media coalition also files in support of the request for public access to this Court's

interpretations of Section 215 of the Patriot Act that address the meaning, scope, and constitutionality of this law.

Counsel for all parties have consented to the filing of the accompanying brief.

Dated: July 15, 2013

Respectfully submitted,



Bruce D. Brown
Gregg P. Leslie
Robert J. Tricchinelli
The Reporters Committee
for Freedom of the Press
1101 Wilson Blvd., Suite 1100
Arlington, VA 22209
Phone: 703-807-2100
bbrown@rcfp.org

Counsel for *Amici Curiae*

CERTIFICATE OF SERVICE

I, Bruce D. Brown, certify that on July 15, 2013, a copy of this motion, together with the accompanying brief of *amici curiae*, were served on the following by in-person delivery:

Christine Gunning
Litigation Security Group
U.S. Department of Justice
2 Constitution Square
145 N ST NE, Suite 2W-115
Washington, DC 20530
christine.e.gunning@usdoj.gov

I further certify that this motion and the accompanying brief were served on the following by electronic mail:

Alex Abdo
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
aabdo@aclu.org
Counsel for the American Civil Liberties Union

Albert Gidari
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101
agidari@perkinscoie.com
Counsel for Google Inc.

James M. Garland
Covington & Burling LLP
1201 Pennsylvania Avenue NW
Washington, DC 20004
jgarland@cov.com
Counsel for Microsoft Corporation



Bruce D. Brown